

Case Name: \_\_\_\_\_

Cause No.: \_\_\_\_\_

Attachment A: Paragraph 6(k), driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Department of Licensing - DUI Administrative Sanctions and Reinstatement Provisions (as amended through June 1, 2001)

<b>ADMINISTRATIVE SANCTIONS – RCW 46.20.3101 (Effective January 1, 1999)</b>		
<b>REFUSED TEST</b>	<b><i>First Refusal Within 7 Years <u>And</u> No Prior Administrative Action Within Past 7 Years</i></b>	<b><i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal <u>And</u> At Least One Prior Administrative Action Within Past 7 Years (Revocation consecutive to any court ordered suspension as a result of same incident)</i></b>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
<b>ALCOHOL CONCENTRATION TEST RESULT</b>	<b><i>First Administrative Action</i></b>	<b><i>Second or Subsequent Administrative Action</i></b>
Adults With 0.08 or Greater	90-Day License Suspension	2-Year License Revocation
Minors With 0.02 or Greater	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver’s license. (See RCW 46.61.5055 and 46.20.355) An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution. (See RCW 46.20.355 and 10.05.060)

<b>REQUIREMENTS FOR REINSTATEMENT OF DRIVING PRIVILEGE</b>	
<b><i>Suspended License* (RCW 46.20.311)</i></b>	<b><i>Revoked License* (RCW 46.20.311)</i></b>
<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW</li> <li>• Pay \$150 driver’s license reissue fee (Effective June 11, 1998)</li> <li>• Driver’s ability test NOT required</li> </ul>	<ul style="list-style-type: none"> <li>• File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW</li> <li>• Pay \$150 driver’s license reissue fee (Effective June 11, 1998)</li> <li>• Satisfactorily complete a driver’s ability test</li> </ul>

\* If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

**COURT DUI SENTENCING GRID (RCW 46.61.5055 as amended through June 1, 2001)**

“Prior Offense” includes the following: (as defined in RCW 46.61.5055)

**Original Convictions for the following:** (1) DUI (RCW 46.61.502) (or an equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance); (3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence; (4) Equiv. out-of-state statute for any of the above offenses.

**Attachment “A” (continued)**

**Amended Convictions for the following:** If the person was originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522). (1) Neg. Driving 1st (RCW 46.61.5249); (2) Reckless Driving (RCW 46.61.500); (3) Reckless Endangerment (RCW 9A.36.050); (4) Equiv. out-of-state or local ordinance for the above offenses.

**Deferred Prosecution Granted for the following:** (1) DUI (RCW 46.61.502) (or equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or equivalent local ordinance); (3) Neg. Driving 1st (RCW 46.61.5249), (or equiv. local ord.), *if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522).*

**“Within seven years”** means that the arrest for a prior offense(s) occurred within 7 years of the arrest for the current offense. *(As defined in RCW 46.61.5055.)*

<b>Alcohol Concentration Less Than .15 Or No Test Result</b>	<b>No Prior Offenses Within Past 7 Years</b>	<b>One Prior Offense Within Past 7 Years</b>	<b>Two or More Prior Offenses Within Past 7 Years</b>
Jail Time***	1-365 Days (24 consecutive hours non-suspendable)	30-365 Days (30 days non-suspendable)	90-365 Days (90 days non-suspendable)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 15 Days	60 Days	120 Days
Fine	\$350-\$5,000 (\$735 total minimum fine w/statutory assessments****)	\$500-\$5,000 (\$975 total minimum fine w/statutory assessments****)	\$1,000-\$5,000 (\$1,775 total minimum fine w/statutory assessments****)
Driver's License	90-Day Suspension	2-Year Revocation	3-Year Revocation
Ignition Interlock Device	Court may order**	Not Less Than 1 Year**	Not Less Than 1 Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court
<b>Alcohol Concentration At Least .15 or Greater Or Test Refusal</b>	<b>No Prior Offenses Within Past 7 Years</b>	<b>One Prior Offense Within Past 7 Years</b>	<b>Two or More Prior Offenses Within Past 7 Years</b>
Jail Time***	2-365 Days (2 consecutive days non-suspendable)	45-365 Days (45 days non-suspendable)	120-365 Days (120 days non-suspendable)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 30 Days	90 Days	150 Days
Fine	\$500-\$5,000 (\$975 total minimum fine w/statutory assessments****)	\$750-\$5,000 (\$1,375 total minimum fine w/statutory assessments****)	\$1,500-\$5,000 (\$2,575 total minimum fine w/statutory assessments****)
Driver's License	1-Year Revocation	900-Day Revocation	4-Year Revocation
Ignition Interlock Device	Not Less Than 1 Year**	Not Less Than 1 Year**	Not Less Than 1 Year**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court

\* **Electronic Home Monitoring:** For first time offenders, the court may impose electronic home monitoring in lieu of the mandatory minimum jail time. Courts may waive electronic home monitoring in writing stating the reasons therefore and facts relied upon. If EHM is waived, the court is required to impose an alternative sentence with similar punitive consequences. (RCW 46.61.5055.)

\*\* **Ignition Interlock:** For a person previously ordered to install ignition interlock under RCW 46.20.720(3)(a) not less than 5 years, for a person previously ordered to install ignition interlock under RCW 46.20.720(3)(b) not less than 10 years. For application in DUI Deferred Prosecution, see: RCW 10.05.140.

\*\*\* **Mandatory conditions of probation if any jail time is suspended:** *(Court's jurisdiction extended to five years if it imposes less than one year in jail - RCW 46.61.5055)* (i) The individual is not to drive a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future, (ii) the individual is not to drive a motor vehicle within this state while having an alcohol concentration of .08 or more within two hours after driving, (iii) the individual is not to refuse to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor.

\*\*\*\* **Local Government Criminal Justice Funding Penalty:** Effective July 22, 2001, the court must impose an additional local government criminal justice funding penalty of \$50. RCW 46.64.055.